

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NOS. 3040100007, 3620500045 and 3620500044

WHEREAS, AES Consulting Engineers on behalf of Stonehill Company, (the "Applicant") has appeared before the Chesapeake Bay Board of James City County (the "Board") on July 12, 2012 to request an exception to the use of the Resource Protection Area (the "RPA") on parcels of property identified as JCC RE Tax Parcel Nos. 3040100007, 3620500045 and 3620500044 and further identified as 4901 Centerville Road, 4708 Locklomod and 4712 Locklomod (the "Property") as set forth in the application CBE-12-122 for the purpose of installing a waterline related to the Section A construction of the Westport Subdivision; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, following a public hearing, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - 1) The applicant must obtain all other necessary federal, state, and local permits as required for the project.
 - 2) Use of super silt fence for areas to be disturbed within the RPA.
 - 3) Use of EC-2 matting for slope stabilization on disturbed slopes that are 3H:1V or greater.
 - 4) Construction shall be in accordance with the provisions of the subdivision plan to be approved by the County.

- 5) Recordation of Natural Open Space easement for area labeled "Natural Open Space Easement" in exhibit one of the WQIA, dedicated to James City County as conservation easement.
- 6) This exception request approval shall become null and void if construction has not begun by July 12, 2013.
- 7) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 2 weeks prior to the expiration date.

Michael Woolson

Michael Woolson
Secretary, Chesapeake Bay Board

David Gussman

David Gussman
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of July 2012.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 12th DAY OF July 2012 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.

Melanie J. Davis
NOTARY PUBLIC

MY COMMISSION EXPIRES 12/31/14.

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REGISTRATION

MELANIE J. DAVIS
NOTARY PUBLIC
REG. #7014335
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES DEC. 31, 2014